

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39924 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -KHAGARIA GRP CASE District- KHAGARIA

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Manoj Sah, Son of Late Fatkan Sah, Resident of Village- Dhokar Dhara,
Ward No.6, Bishunpurdutt, Police Station Banmankhi, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate.

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-12-2016 Heard both sides.

The petitioner seeks bail in S. Tr. No. 214/2016,
arising out of Saharsa Rail P.S. Case No. 9/2016 registered under
Sections 328, 307, 379, 34 of the Indian Penal Code.

The informant lodged the case against unknown and
alleged that the accused persons intoxicated him and others in a
running train and looted away money, two mobiles (one
Micromax and another ZEN company). Learned counsel for the
petitioner submits that the petitioner is not named in the F.I.R.
One Sunil Kumar Sah was apprehended and from his possession,
the stolen Micromax mobile was recovered. Sunil Kumar Sah
disclosed that he got the SIM by his own AADHAR card. Sanoj
Kumar Sah gave a mobile to him for using the same. On such,
Sanoj Kumar Sah was apprehended and he disclosed the name of



Manoj Sah in his confessional statement. One mobile of JIVI company was recovered from the possession of Manoj Sah. No stolen article was recovered from the possession of the petitioner.

Learned A.P.P. submits that in Para 96 of the case diary, the informant has identified the mobile recovered from the possession of the petitioner and he disclosed that one Micromax mobile and one mobile of JIVI company were stolen away but it appears from perusal of the Fardbeyan of the informant that he disclosed that one Micormax mobile and another ZEN company were stolen. The informant did not disclose that he was having any mobile of JIVI company. From the possession of the petitioner, one mobile of GIVI company was recovered.

Considering the facts that the name of the petitioner figured in the confessional statement of a co-accused and no other tangible evidence has been collected showing involvement of the petitioner in the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Khagaria in S. Tr. No. 214/2016, arising out of Saharsa Rail P.S. Case No. 9 of 2016.

(Prabhat Kumar Jha, J)

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